United Nations CMW/C/SEN/2-3

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
24 March 2016
English
Original: French
English, French and Spanish only

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure

Second and third periodic reports of States parties due in 2016

Senegal*

[Date received: 25 February 2016]

* The present document is being issued without formal editing.

GE.16-04874 (E) 090616 100616
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Contents

		Page
Part I		3
A.	General information	3
B.	Information relating to the articles of the Convention	17
1.	General principles	17
2.	Part II of the Convention	18
3.	Part III of the Convention	19
4.	Part IV of the Convention	25
5.	Part VI of the Convention	27
Part II		34
(a)	Bills or laws and their respective regulations	34
(b)	Institutions (and their mandates) or institutional reforms	35
(c)	Policies, programmes and action plans relating to migration, and their scope and financing	35
(d)	Recent ratifications of human rights instruments	36
(e)	Recent comprehensive studies on the situation of migrant workers	36
Part III		36
	Data, statistics and other information, if available	36

Part I

A. General information

1. Please indicate what measures have been taken to create a reliable database, disaggregated by sex, age and origin, in order to make it possible to improve understanding of the migration context and the situation of migrant workers in Senegal, including those in an irregular situation, to monitor the implementation of each of the Convention rights and to collect data on the effective exercise of each of those rights, as recommended by the Committee in its previous concluding observations.

1. The National Statistics and Demography Agency of Senegal, which reports to the Ministry of Economic Affairs, Finance and Planning, periodically conducts general censuses of the population and of other areas, such as housing, agriculture and animal husbandry. The Agency's last report on the 2013 general census of the population, housing, agriculture and animal husbandry provides an analysis of the migration flows affecting the country. The report sets out the number and countries of origin of foreign nationals residing in Senegal. The situation with respect to international emigration is also taken into account. The information provided on destination countries and other data make it possible to determine the exact profile of Senegalese emigrants.

2. The census shows that, over the period 2009-2013, 164,901 Senegalese nationals, or 1.2 per cent of the population, emigrated abroad. The main destinations of those emigrants were Europe (44.4 per cent) and the countries of Central Africa (27.5 per cent), and the main reason for their emigration was employment (73.5 per cent).

3. In terms of international immigration, the report shows that Senegal has welcomed 244,953 foreign nationals, equivalent to 2 per cent of the population. The bulk of these immigrants originate from West Africa (84.4 per cent).

4. The tables below provide data on migration, disaggregated by sex, age and origin.

Table 1
Distribution of international immigrants by sex according to age group

	Sex		*Total*	
Age group	*Male (Percentage)*	*Female (Percentage)*	*Percentage*	*Number*
0-4	50.2	49.8	100	13 202
5-9	49.9	50.1	100	18 829
10-14	50.3	49.7	100	18 864
15-19	46.8	53.2	100	26 950
20-24	48.9	51.1	100	34 704
25-29	53	47	100	34 120
30-34	55.3	44.7	100	25 423
35-39	58.4	41.6	100	18 052
40-44	59.6	40.4	100	14 075
45-49	60.4	39.6	100	9 875
50-54	61.1	38.9	100	9 075

	Sex		Total	
Age group	*Male (Percentage)*	*Female (Percentage)*	*Percentage*	*Number*
55-59	61.5	38.5	100	6 186
60-64	58.8	41.2	100	5 625
65-69	56.3	43.7	100	3 395
70-74	52.8	47.2	100	2 858
75-79	52.7	47.3	100	1 541
80-84	48.7	51.3	100	1 161
+85	49.0	51.0	100	1 018
Total	**53.1**	**46.9**	**100**	**244 953**

Table 2
Evolution of the volume of international immigration to Senegal since 2002

	2002		2013	
Nationality	*Number*	*Percentage*	*Number*	*Percentage*
Senegalese	160 370	78.3	111 700	45.6
West African	32 787	16	114 517	46.8
Central African	3 774	1.8	6 486	2.6
North African	710	0.3	1 089	0.4
Other African	240	0.1	473	0.2
American	548	0.3	1 763	0.7
Asian	336	0.2	317	0.1
European	3 993	2.0	7 209	2.9
Oriental	794	0.4	568	0.2
Other	1 173	0.6	827	0.3
Total	**204 725**	**100**	**244 949**	**100**

Table 3
Distribution of international emigrants by sex according to age on departure

	Sex		Total	
Age group	*Male (Percentage)*	*Female (Percentage)*	*Percentage*	*Number*
0-4	68.8	31.2	100	2 529
5-9	65.6	34.4	100	2 377
10-14	70.5	29.5	100	3 830
15-19	75	25	100	13 759
20-24	80	20	100	28 306
25-29	82.9	17.1	100	33 214
30-34	84.1	15.9	100	26 576
35-39	86.2	13.8	100	17 153
40-44	88.3	11.7	100	10 720

	Sex		Total	
Age group	*Male (Percentage)*	*Female (Percentage)*	*Percentage*	*Number*
45-49	90.2	9.8	**100**	**6 717**
50-54	91.7	8.3	**100**	**5 218**
55-59	92	8	**100**	**2 649**
60-64	91.8	8.2	**100**	**1 723**
65-69	87.6	12.4	**100**	**630**
70-74	83.7	16.3	**100**	**410**
75-79	77.2	22.8	**100**	**114**
80-84	87.2	12.8	**100**	**78**
+85	85.3	14.7	**100**	**9 698**
Total	**82.9**	**17.1**	**100**	**164 901**

Table 4
Distribution of international emigrants by destination

Destination country	*Number*	*Percentage*
West Africa	45 306	27.5
Central Africa	18 970	11.5
North Africa	9 559	5 8
Other African countries	1 807	1.1
Americas	3 727	2.3
Asia	363	0.2
Europe	73 320	44.5
Orient	1 382	0.8
Others	10 467	6.4
Total	**164 901**	**100**

5. An analysis of the different tables shows that international immigration affects all age groups but younger age groups more so than the rest. Thus, 14.2 per cent of international immigrants are in the 20-24 age group and 13.9 per cent in the 25-29 age group. The high level of migration observed in these age groups since the early 2000s is attributable to education. It should be noted that, while female migration in these age groups exceeds male migration, from age 30 onwards, that trend is reversed.

6. As for international emigration, an analysis by sex and age shows that women aged 20-24 and 25-29 are leaving the country in the greatest numbers; they account for 20 and 17.1 per cent, respectively, of emigrants in those age groups. The share of male emigrants stands at 80 and 82.9 per cent, respectively, for the same age groups. Men aged between 45 and 65 constitute more than 90 per cent of emigrants in that age group.

7. A database on migrant workers in an irregular situation is not yet available.

8. With reference to the measures taken by the Government of Senegal to monitor the realization of the rights set out in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it should be noted that the

legislative, judicial and administrative framework in force in Senegal reflects the existence of a real political will to achieve that objective.

9. Senegal has taken account of all the human rights of all migrant workers and members of their families set out in part III of the Convention (arts. 8-33).

10. Senegal is committed to the ideals of human rights and has ratified nearly all the international and regional instruments for the protection of human rights, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. All of these instruments form an integral part of the body of national law, in accordance with article 98 of the Constitution. They all lay down the principle of the prohibition of discrimination, which, it should be recalled, is embodied in the Constitution of Senegal. Moreover, article 7 of the Constitution provides, in its fourth paragraph, that: "All human beings are equal before the law. Women and men are equal before the law." Article 25 specifically prohibits discrimination in employment. It provides that: "Everyone has the right to work and to seek employment. No one shall suffer labour discrimination owing to his or her origins, sex, opinions, political choices or beliefs. Employees may join a trade union and engage in trade union activities to protect their rights."

11. "Any discrimination between men and women regarding employment, wages and taxation is prohibited." This constitutional principle is enshrined in other laws such as Act No. 97-17 of 1 December 1997 establishing the Labour Code, article 11 of which provides that: "The right to work is recognized as a sacred right of every citizen. The State shall make every effort to help citizens to find and maintain employment. It shall ensure equality of opportunity and treatment of citizens with respect to access to vocational training and employment without distinction as to origin, race, sex or religion."

Article 8: The right to freedom of movement

12. In Senegal, freedom of movement is guaranteed by article 14 of the Constitution, which provides that all citizens have the right to move and settle freely both throughout the national territory and abroad. Compliance with this provision is guaranteed by article 9 of the Constitution, which provides that "any impairment of freedoms or voluntary restriction placed on the exercise of a freedom shall be punishable by law".

Article 9: The right to life

13. This right is enshrined in article 7 of the Constitution, which provides that: "Human life is sacred; it is inviolable. The State shall respect and protect it."

14. Every individual has the right to life, liberty, security, the free development of their personality, integrity of the person and, in particular, protection against all physical mutilation.

15. In this connection, it should be noted that Senegal abolished the death penalty by virtue of Act No. 2004-38 of 28 December 2004. Article 2 of this law repealed the provisions of article 7 (1) and articles 12, 13, 14, 15 and 16 of the Criminal Code.

Articles 10 and 11: Prohibition of torture, slavery and forced labour

16. After having ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Senegal, by virtue of Act No. 96-15 of 28 August 1996, amended its Criminal Code to prohibit torture. Article 295-1 of the Code provides that: "Injuries, blows, physical or mental violence or other forms of assault intentionally

inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity either for the purpose of obtaining information or a confession, imposing punishment by way of a reprisal or making threats or for any discriminatory reason of any kind shall be considered as torture. An order from a superior officer or a public authority may not be invoked as a justification of torture."

17. To facilitate the implementation of the Convention against Torture and the relevant provisions of the Criminal Code, Senegal, by virtue of Act No. 2009-13 of 2 March 2009, created a national mechanism for the prevention of torture, known as the National Observatory of Places of Deprivation of Liberty. This law, which responds to the requirements of the Optional Protocol to the Convention against Torture, was drafted in close cooperation with civil society.

18. The Observatory is an independent administrative structure that monitors all places of deprivation of liberty by means of unannounced visits. It prepares reports on the conditions of detention in those places, which it then submits to the competent authorities. Through its mandate to monitor places of deprivation of liberty, the Observatory makes an effective contribution to the fight against torture in Senegal.

19. As for forced labour and slavery, there are other laws, such as Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices and on the protection of victims, which prohibits the recruitment of persons by means of the threat or use of violence, abduction, fraud, deception, abuse of power or of a position of vulnerability or by the giving or receiving of payments or benefits to obtain the consent of a person having authority over another for the purpose of sexual exploitation, forced labour or services, slavery or practices similar to slavery, or servitude. It provides that such acts are punishable by a prison term of between 5 and 10 years and a fine of between 5 and 20 million CFA francs. The National Unit for the Coordination of the Fight against Trafficking in Persons was created to oversee the implementation of the aforementioned law. The Unit is an administrative authority attached to the Ministry of Justice and tasked with coordinating all activities relating to the fight against human trafficking. It works closely with prosecutors and the courts to expose the practices of human trafficking and exploitation.

20. The labour law provisions on the protection of workers prohibit forced labour, which is defined in the Labour Code as all work or services which are exacted from any person under the threat of any penalty or punishment and for which the said person has not offered himself or herself voluntarily (Labour Code, art. 4). Monitoring these rights is the responsibility of the Labour Inspectorate, and thus, any migrant worker may, in the same way as Senegalese workers, bring a case before this body to have his or her rights restored. The Labour Tribunal is competent to handle labour disputes.

Articles 12, 13 and 26: Freedom of opinion and expression; freedom of thought, conscience and religion

21. In Senegal, individual freedoms are guaranteed under article 8 of the Constitution. Thus, any person located in Senegalese territory enjoys these freedoms regardless of his or her nationality. They include: freedom of opinion, freedom of expression, freedom of the press, freedom of association, freedom of assembly, freedom of movement and freedom to demonstrate.

22. Freedom of association is also guaranteed to all workers, irrespective of whether they are expatriates, under article 25 of the Constitution and article L9 of the Labour Code, which provides that "all foreign nationals who join a trade union may, if they meet the aforementioned requirements and have been resident in Senegal for at least five years, assume administrative or managerial functions in that trade union, provided that their

country of origin accords the same right to Senegalese nationals". Article 9 of the Constitution guarantees the realization of these freedoms by laying down the principle of the prohibition of any violation or interference with the exercise thereof. The penalties prescribed for infringement or obstruction of these freedoms are set out in the Criminal Code, specifically in article 106, which punishes with the loss of civil rights public officials, agents, employees or members of the Government who order or commit an arbitrary act or one that infringes either the individual freedoms or the civil rights of one or more citizens. Articles 233, 233 bis and 234 protect freedom of religion and worship.

23. Article 8 of the Constitution has given rise to a number of laws protecting freedom of opinion, expression and association. These include Act No. 2006-4 of 4 January 2004 establishing the National Audiovisual Regulation Council and Act No. 2001-15 of 25 December 2001 establishing the Telecommunications Code.

Article 14: Prohibition of arbitrary or unlawful interference with privacy, home, correspondence or other communications

24. Article 16 of the Constitution provides that "the home is inviolable". The Constitution further provides, in article 13, that: "Secrecy of correspondence and postal, telegraphic, telephonic and electronic communications is inviolable. This inviolability may not be restricted save in application of the law." Respect for these constitutional principles is guaranteed by the provisions of the Criminal Code.

25. However, there are also legislative provisions guaranteeing respect for the right to privacy, such as Act No. 2008-12 of 25 January 2008 on the protection of personal data, which provides for the protection of individuals against the violation of their privacy through the processing of personal data that allows them to be identified either directly or indirectly.

26. In Senegal, the monitoring of personal data led to the creation of the National Commission for the Protection of Personal Data.

Article 15: Prohibition of arbitrary deprivation of property

27. The right to property is guaranteed by the Constitution. In accordance with article 15 of the Constitution, this right may be infringed only in the event of legally established public necessity, and on the condition that fair and prior compensation is provided.

28. The principle of the right to property ownership and possession of land is laid down in the Constitution.

29. To afford this right better protection, Senegalese lawmakers have criminalized certain acts that infringe property rights. An example of this is breach of trust, addressed in article 384 of the Criminal Code, which provides that "any person who has received from the owners, possessors or holders, effects, money, goods, tickets, receipts or other documents containing or effecting obligations or discharges for safekeeping or by means of a rental, proxy or security or under a hiring contract or for the purposes of paid or unpaid work who, after being instructed so to do, fails to honour his or her commitment to return them, account for them or put them to a particular use or employment, shall incur a prison term of at least 6 months and up to 4 years, and a fine of at least 20,000 and up to 3,000,000 CFA francs". This is also the case for fraud, which is addressed in article 379 of the Criminal Code. The crime of fraud is committed when a person makes use of a false name or false status or fraudulent means of any kind to obtain or relieve someone of, or attempt to obtain or relieve someone of, funds, furniture, obligations, arrangements, tickets, undertakings, receipts or discharges. This crime carries a prison term of at least 1 year and up to 5 years, and a fine of between 100,000 and 1,000,000 CFA francs. The article also states that, if the crime is committed by a person who has made a public offering with a

view to the issue of shares or bonds, or any portion or securities in a company or commercial or industrial enterprise, the aforementioned penalties may be doubled.

30. Convicted perpetrators may also be subject to prohibition of the exercise of the rights set out in article 34 of the Criminal Code for a period not exceeding 10 years. These rights include the right to vote, the right to be elected, the right to be a legal guardian, a deputy legal guardian or a curator, the right to act as an expert witness and the right to vote in family deliberations etc.

31. Article 364 defines theft as the fraudulent removal of another's property. The penalties depend on whether the theft is a simple offence or is accompanied by aggravating circumstances.

Articles 16 (1)-(4), 17 and 24: The right to liberty and security of person; safeguards against arbitrary arrest and detention; and the right to recognition as a person before the law

32. All the rights provided for in articles 16, 17 and 24 of the Convention are guaranteed in article 7 of the Constitution, which affirms the sanctity of the human person as the foundation of the right to life, liberty and security.

33. This right is guaranteed to all migrant workers and members of their families in the same way as Senegalese nationals.

34. The Senegalese Code of Criminal Procedure provides that a person can be detained for preliminary inquiries for a period not exceeding 48 hours, unless extension for a further 48 hours is authorized by the Public Prosecutor. On the expiry of the initial custody period, the accused is informed of his or her right to communicate with a lawyer and to be examined by a doctor of his or her own choosing, failing which the proceedings can be declared invalid. Moreover, criminal investigation officers are liable to disciplinary and criminal penalties for failure to observe the legal requirements.

35. The presumption of innocence is also a fundamental principle recognized by national law.

36. At the regional level, the Council of Ministers of the West African Economic and Monetary Union (WAEMU) adopted, on 25 September 2014, Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the Union. This regulation entered into force on 1 January 2015.

37. It contains several provisions intended to strengthen the independence of the judiciary, the rights of the defence and the protection of persons against torture, ill-treatment and other violations of their rights and human dignity committed during arrest and police custody. Article 5 of the regulation provides that "lawyers shall assist their clients from the time of their arrest, during the preliminary investigation, in police and gendarmerie stations and when they appear before a prosecutor … without having to produce a letter of instruction". The article further provides that "lawyers shall assist and represent their clients from the time of their first appearance before the investigating judge".

38. As a regulation, the text applies to all States members of the Union immediately upon entry into force, precluding the possibility of their invoking the need to make changes to domestic legislation.

Articles 16 (5)-(9), 18 and 19: The right to a fair trial

39. The right to a fair trial is recognized in Senegalese law and in several international and regional human rights instruments ratified by the country. This guarantees the

enjoyment of all the rights of the defence, including the right to counsel, the right to an effective remedy and the right to be tried by an independent and impartial court.

40. The latter right is guaranteed in article 90 of the Constitution, which provides that, in the exercise of their functions, judges are subject only to the law. This constitutional principle of the independence of judges is sufficient proof of the importance attached by Senegal to the protection of human rights through a judiciary that is independent and impartial. Moreover, judges are not answerable to any authority other than that of the law in the exercise of their functions.

41. As for the right to counsel, it should be noted that, in criminal cases or when the accused has an impairment that could adversely affect his or her defence, article 101 of the Code of Criminal Procedure requires him or her to be assisted by a lawyer. In such cases, when the accused has not appointed a lawyer, it is the responsibility of the judge to assign one, with the cost borne by the State.

42. Parties bringing criminal indemnification proceedings also have the right to be assisted by a lawyer from the time of their first court appearance.

43. During the preliminary investigation, the person being held in custody has the right to be assisted by a lawyer after a period of 48 hours. This provision, which does not sufficiently guarantee the rights of the defence, is being amended as part of the initiative to revise the Criminal Code and the Code of Criminal Procedure, which is now nearing completion. After the adoption of the new Codes, a lawyer will be able to be present from the time when the person is first placed in police custody.

44. Furthermore, article 9 of the Constitution provides, in its second paragraph that the right to a defence is an absolute right in all states and at all stages of legal proceedings. This provision implies the right of every individual to defend himself or herself or to be defended.

45. The right to a fair trial also implies the right to the presumption of innocence, which is a fundamental guarantee of liberty. This right is guaranteed in Senegalese national legislation by the provisions of the Criminal Code and the Code of Criminal Procedure. Any person accused of having committed a criminal offence is presumed innocent until proven guilty according to the law in a public trial at which all the guarantees necessary for his or her defence have been provided. The acts or omissions giving rise to the sentence must have constituted a criminal offence at the time when they were committed. In addition, the sentence imposed must already have been provided for in law. Article 4 of the Criminal Code, which lays down the principle of the lawfulness of criminal charges and penalties, provides that "no offence, serious, ordinary or minor shall be punishable by penalties other than those set forth in legislation or regulations adopted prior to its commission".

Article 20: Prohibition of imprisonment, deprivation of authorization of residence or work permit and expulsion merely on the ground of failure to fulfil a contractual obligation

46. In the same way as for Senegalese nationals, failure to fulfil a contractual obligation cannot lead to the institution of criminal proceedings against a migrant worker, as criminal law does not govern contractual obligations. This is a question of the strict application of the principle of the lawfulness of offences.

Articles 21, 22 and 23: Protection from confiscation and/or destruction of identity and other documents; protection against collective expulsion; the right to recourse to consular or diplomatic protection

47. Article 1 of Organization Act No. 2008-35 of 7 August 2008 establishing the Supreme Court provides that the Supreme Court is the court of first and last instance for

cases of abuse of power by the executive branch and for matters relating to the legality of actions by local authorities. Thus, to secure their right to protection from confiscation and/or destruction of identity documents and against collective expulsion, migrants may challenge administrative acts affecting them on the ground of abuse of power before the administrative chamber of the Supreme Court. Furthermore, the consular authorities can request information on the reasons for the arrest of their nationals and on their conditions of detention, and thus ensure that the Senegalese authorities respect the rights of those nationals.

Articles 25 and 27: The principle of equal treatment regarding remuneration and social security

48. The principle of equal treatment is laid down in article 25 of the Constitution, which provides that: "Everyone has the right to work and to seek employment. No one shall suffer labour discrimination owing to his or her origins, sex, opinions, political choices or beliefs … Any discrimination between men and women regarding employment, wages or taxation is prohibited." It follows that sex, origin, opinion, political choice or belief cannot be used to justify any difference of treatment in terms of salary.

49. Article 1 of the Labour Code obliges the State to ensure equality of opportunity and treatment for all workers without distinction as to origin, race, sex or religion, while article L105 confirms the prohibition of wage discrimination in these terms: "Where working conditions, professional qualifications and productivity are equal, pay shall be equal for all workers, regardless of their origin, sex, age or status." These constitutional and legislative provisions make no distinction between Senegalese and foreign nationals.

50. Act No. 75-50 of 3 April 1975 on social welfare institutions and Act No. 73-37 of 31 July 1973 establishing the Social Security Code guarantee equality in terms of social security, the only exception being if a migrant worker benefits from a more favourable social security system in his or her country of origin.

Article 28: The right to health and the principle of non-discrimination

51. In accordance with article 2 (2) of the International Covenant on Economic, Social and Cultural Rights, which Senegal ratified on 13 February 1978, States parties undertake to ensure that the rights enshrined in the Covenant, including the right to health, are exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

52. In Senegal, this right is guaranteed to all citizens under article 8 of the Constitution.

53. To give full effect to this right, Senegal has adopted a number of laws that are either general or specific in nature, such as Act No. 2010-03 of 9 April 2010 on HIV/AIDS. This law is aimed at, inter alia, establishing an appropriate legal framework to combat HIV/AIDS that will guarantee comprehensive care to those persons who are infected with or affected by the disease; prevent and eradicate all forms of discrimination and stigmatization against those persons; and promote a positive attitude towards them. In this regard, the competent institutions and services are working to make basic health-care and social services available to persons living with the disease. They are also taking the measures necessary to respond to the specific needs of the most vulnerable persons, namely women, and in particular pregnant women, children living with HIV and children affected by the disease. The Act pronibits any form of discrimination based on a person's actual or perceived HIV status.

54. All the services and information provided for in the Act are made available to both Senegalese and foreign nationals, as no distinction is made in this regard.

55. It should also be pointed out that article 6 (1) of this Act obliges employers, in the context of activities relating to occupational safety and health in their enterprises, to conduct information programmes on the causes and means of transmission, and methods for preventing the spread, of HIV/AIDS, and testing services and care for their workers. Article 6 (2) provides that "the authority responsible for coordinating efforts to combat HIV/AIDS, and the ministry responsible for labour affairs, must ensure that regular information campaigns and campaigns aimed at preventing HIV and sexually transmitted infections are conducted in all workplaces". Article 24, which is entitled "Workplace discrimination", provides in paragraph 1 that "all discrimination, in whatever form, against a person who is, or is perceived to be, HIV-positive, particularly with respect to offers of employment, recruitment, promotion and retirement, is prohibited". Under the same article, promotions, training or benefits cannot be contingent on a worker undergoing an HIV test. Moreover, the actual or perceived HIV-positive status of a worker cannot be used to justify his or her dismissal. If a worker is declared unfit to work by an authorized medical body, he or she receives the benefits provided for in the laws on labour and social protection.

56. Similarly, discrimination is prohibited in formal and informal educational institutions, in the exercise of the right to travel and to accommodation, the right to access public or elected office, the right to access credit and insurance services and the right to access public or private health-care facilities. This is also the case for discrimination in prisons and rehabilitation centres. When such discrimination is perpetrated by prison staff, it constitutes a punishable offence.

57. Act No. 2005-18 of 5 August 2005 on reproductive health is intended to promote the right of all persons to better health and to reproductive health services. Article 3 of the Act provides that "the right to reproductive health is a fundamental and universal right guaranteed to every human being without any distinction as to age, sex, wealth, religion, race, ethnicity, marital status or other status". Article 10 of the Act provides that "all persons are entitled to receive all forms of reproductive health care without discrimination based on age, sex, marital status or membership of an ethnic or religious group". These provisions demonstrate that the right to reproductive health is inherent to the human condition and that there can be no discrimination in the enjoyment of that right. Migrant workers consequently enjoy the benefits and services provided for in this law on an equal footing with Senegalese nationals.

58. Senegal adopted Act No. 75-50, which covers certain social matters, on 3 April 1975. In accordance with Decree No. 2012-832 of 7 August 2012 on the organization and functioning of sickness insurance institutions, employers, in the sense of article L3 of the Labour Code, are required to establish sickness insurance institutions for the benefit of workers, in the sense of article L2 of the Labour Code, and their families, that is spouses and dependent children as defined for the purpose of the family benefit scheme.

59. According to a study on the accessibility of hospital care to the public in Senegal, which was conducted in 2009 by the Platform of Non-State Actors to monitor the application of the Cotonou Agreement in Senegal, State policy in this area is focused on primary health care and is structured around guaranteeing the entire population access to high-quality health care, irrespective of socioeconomic status, and protecting vulnerable groups.

60. Consequently, Senegal has adopted a universal health insurance programme, in keeping with the Government's desire to reduce inequalities in access to health care, and the Ministry of Health and Social Welfare has devised the Strategic Health Insurance Development Plan 2013-2017, which is organized around the following:

- Development of basic universal health insurance through health-care mutuals
- Reform of sickness insurance institutions

- Strengthening of existing free care policies
- Launching of a new initiative to provide free health care to children aged under 5 years

Article 29: The right to a name and the right to a nationality

61. In accordance with article 51 of the Family Code, "all births must be declared to the civil registrar". Thus, the child of a migrant worker who is born in Senegal is entitled to be registered at the civil registry of the administrative district where he or she was born. A birth may be declared by the father, the mother, an ascendant or close relative, the physician, the midwife, or by any other person who was present at the birth or, if the mother did not give birth at home, by the person in whose home she gave birth. If the birth is not declared by these persons, it is the responsibility of the village chief or a neighbourhood representative to do so in accordance with the procedure set out in article 34 of the Code.

62. To ensure better respect for this right, article 339 of the Criminal Code imposes a prison term of between 6 months and 1 year and a fine of between 20,000 and 75,000 CFA francs on any person who, despite having been present at a birth, fails to declare it, as is required by the civil registrar. The same applies to any person who, having found an abandoned newborn, fails to deliver him or her to the civil registrar, in accordance with article 340 of the Criminal Code. Article 33 of the Family Code imposes a police fine of between 2,000 and 5,000 CFA francs on village chiefs and neighbourhood representatives who fail to declare births and deaths that have occurred in their administrative districts within one month.

63. However, despite these repressive provisions, some reluctance persists in practice. To encourage the population to break their silence on this subject, the Family Code provides for courts to hold mobile sessions during which the requirements for registration are relaxed quite considerably. The accommodations offered range from visits by judges to rural areas to fast-tracking of birth certificates and issuance for free.

64. The birth registration of foreign nationals and of Senegalese nationals abroad is regulated by articles 43 and 44 of the Family Code. In the case of the former, the Family Code provides that all births and deaths must be declared to the Senegalese civil registrar under the procedure and conditions provided for in the Code. In the case of the latter, all civil status certificates issued in a foreign country are valid if they have been received by diplomatic or consular officials in accordance with Senegalese law.

65. Act No. 2013-05 of 8 July 2013 amending Act No. 61-10 of 7 March 1961 on determining Senegalese nationality relaxes the conditions governing the acquisition of Senegalese nationality by foreigners. Article 5 provides that "any child born of a Senegalese parent shall also be Senegalese". Therefore, it is sufficient for one of the child's parents to be Senegalese in order for him or her to acquire Senegalese nationality. To have the acquisition of Senegalese nationality recognized, it is sufficient to submit a request to that effect to the president of the court under the procedure stipulated by law. Specifically, a Senegalese woman who marries a foreign man, or a Senegalese man who marries a foreign woman may transmit his or her nationality to his or her children from the union.

66. Article 7 reduces the length of time that a foreign national must have lived with a Senegalese national to qualify for Senegalese nationality by five years compared with the previous law.

Article 30: The right to education

67. The right to education is guaranteed and the requirements for exercising that right are set out in articles 21, 22 and 23 of the Constitution. The Constitution establishes the obligation and responsibility of the State to provide for the education and training of young people by setting up public schools. The State and the public authorities are required, in accordance with article 21, to create the conditions and public institutions necessary to guarantee children's education. Article 23 also provides for the existence, alongside public schools, of private schools that are subject to the authorization and oversight of the State.

68. The Ministry of Education is chiefly responsible for realizing the right to education. The Ministry of Education, in cooperation with other government ministries, implements the Government's education policy.

69. As part of its national education policy, Senegal adopted Act No. 91-22 of 16 February 1991 on that subject. Article 5 of the Act provides that education is democratic, giving everyone an equal chance of success, and is based on the recognized human right to receive education and training that are commensurate with a person's abilities without discrimination on the basis of sex, social origin, race, ethnicity, religion or nationality. In this regard, it is important to note that no distinctions are made vis-à-vis children of migrant workers educated in Senegalese schools and that there is no prerequisite for them to identify themselves as such.

70. Article 3 bis establishes the compulsory nature of education for all children of both sexes aged between 6 and 16 years. The principle of free compulsory education in public schools should also be mentioned. In view of the compulsory nature of education, when a child reaches 6 years of age, his or her parents are required to enrol him or her in a public or private school and ensure his or her attendance until the age of 16. If a child under the age of 16 is unable to continue in mainstream education, he or she is directed towards a vocational training institute.

71. The right to education is also guaranteed to children with disabilities. If their disability is such that it will hinder the normal progress of their education and training, special education, which is an integral part of the education system, provides them with medical, psychological and pedagogical care. To promote universal education, the State, through the Daaras Modernization Project, aims to reach out to children who attend Koranic schools. The Daaras Modernization Project, which is currently the subject of a nationwide consultation, will help to extend respect for the right to education. The project is part of efforts being made to honour the country's commitment to realizing education for all and, in particular, universal school enrolment. To facilitate its implementation, the State affords recognized *daaras* the possibility of enjoying subsidies and bonuses in accordance with conditions that will be laid down by decree.

Article 31: Respect for the cultural identity of migrant workers

72. The principle of cultural freedom embodied in the International Covenant on Economic, Social and Cultural Rights, which Senegal has ratified, is also enshrined in article 8 of the Constitution. This freedom, like the others listed in the Constitution, cannot be infringed and any deliberate interference with its exercise is punishable by law. Thus, migrants can, through freedom of association, opinion and expression, exercise their cultural freedom.

Article 32: The right of migrant workers to transfer their earnings, savings and personal belongings to their State of origin

73. Under Senegalese law, migrant workers are entitled to transfer their assets to their State of origin, subject to payment of the relevant taxes. Funds transfers must comply with

the applicable customs declaration procedure, in particular for foreign currency. In principle, there are no restrictions on funds transfers in CFA francs within the WAEMU area.

74. In accordance with Regulation No. 009/1998/CM/UEMOA of 20 November 1998 on the external financial relations of the States member of the West African Economic and Monetary Union, Senegalese resident travellers or foreign nationals who have settled in one of the eight countries of the Union (Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, the Niger, Senegal and Togo) may:

- Upon entry into Senegal, hold an unlimited number of CFA banknotes from the Central Bank of Western African States without completing any formalities. They may also hold an unlimited amount of foreign currency, provided that they deliver it to an authorized intermediary (bank, currency exchange etc.) within eight days
- Upon departure from Senegal, two scenarios may occur:
  - Within the Union: travellers may hold an unlimited number of CFA banknotes from the Central Bank of Western African States without completing any formalities
  - Outside the Union, travellers may hold the exchange value of 2 million CFA francs in foreign currency. In addition to this sum, they may hold other forms of payment (travellers' cheques, certified cheques, credit cards etc.)

Article 33: The right to be informed of the rights arising out of the Convention

75. To ensure the wide dissemination of the Convention, the Government of Senegal has created within the Ministry of Foreign Affairs and Senegalese Abroad:

- A high council for Senegalese nationals living abroad
- An office to receive, advise and monitor emigrants

76. The Ministry of Foreign Affairs and Senegalese Abroad and the Ministry of the Interior have developed information strategies, particularly Internet-based strategies, to inform migrants who have settled in Senegal and Senegalese nationals living abroad of the legislation and programmes introduced by the Government to promote and protect their rights. All the relevant information is available on the website www.servicepublic.gouv.sn.

2. Please provide information on the human and financial resources allocated to the Ministry of Foreign Affairs and Senegalese Abroad and the ways in which the government agencies that deal with migration coordinate with each other.

77. Within the Ministry of Foreign Affairs and Senegalese Abroad is a Department of Legal and Consular Affairs with a division responsible for human rights, disputes and advisory services and a Chancellery Division that deals with migration-related issues. The staff of the two divisions comprises 4 counsellors, 5 chancellery clerks and 10 support staff, for a total of 19 persons.

78. The Department's budget is not separate from that of the Ministry, which was 48,385 billion CFA francs in 2015 and 57,499 billion CFA francs in 2016, representing an increase of 18.84 per cent in relative terms. The Minister's technical adviser, who has ambassadorial rank, is responsible for coordinating activities with all other agencies involved in handling migration-related questions and issues. As the national focal point on migration, the adviser works in close cooperation with other relevant departments, such as the Ministry of Justice; the Ministry of the Interior; the Ministry of Youth, Vocational Training and Employment; and the Ministry of Labour, Social Dialogue, Professional Organizations and Institutional Relations.

3. **Insofar as the Senegalese Committee on Human Rights has seen its accreditation status downgraded from "A" to "B" based on the criteria set out in the Paris Principles, please provide information on what measures have been taken to enable the Senegalese Committee on Human Rights to regain its "A" status. Please also provide information on its mandate, its main activities and its human, technical and financial resources, especially with regard to issues concerning migrant workers. Please provide information on steps taken to inform the general public, and particularly all migrant workers, about the services provided by the Senegalese Committee on Human Rights.**

79. To enable the Senegalese Committee on Human Rights to regain its "A" status, the Government first made available, at its expense, office space that now serves as the Committee's headquarters. The provision of these premises was accompanied with a sizeable increase in budget, beginning in 2014. A bill to establish a National Human Rights Commission is shortly to be put to a vote. The proposed reforms include:

- Renaming of the Senegalese Committee on Human Rights, which is to become the National Human Rights Commission of Senegal
- Streamlining of the membership of the national human rights institution
- Election of a Chairperson and officers, who will be selected by their fellow Commission members before their official appointment by presidential decree
- Strengthening of the guarantees of independence of national human rights institution members
- Reinforcement of the financial autonomy and resources of the institution

80. The main mandate of the Senegalese Committee on Human Rights is to promote and protect human rights. In fulfilment of this mandate, the Committee carries out human-rights-related awareness-raising, outreach and education. The Committee also undertakes mediation.

81. Regarding migrant workers, the Senegalese Committee on Human Rights often plays a facilitating role by means of the alerts it issues, as was the case, for example, in respect of the Senegalese emigrants in the Central African Republic and Angola.

82. The Committee has a department for protection, which provides help, guidance and support for all victims of human rights violations, including migrants. For the general public, it contributes to civil society capacity-building.

4. **Please provide information on cooperation between the State party and civil society organizations that are engaged in activities relating to the rights of migrants, in terms of the negotiation of bilateral agreements and the preparation of periodic reports by the State party, as recommended by the Committee in its previous concluding observations (paras. 20 and 25).**

83. The Government of Senegal includes civil society in the preparation and drafting of reports through the National Human Rights Advisory Council. There is considerable civil society representation on this Council, which is a government body with a focal point in every ministerial department.

84. Regarding cooperation with civil society organizations that are engaged in activities relating to the rights of migrant workers, in terms of the negotiation of bilateral agreements, it should be noted that civil society in Senegal is among the most active and influential in Africa. The Government endeavours to include civil society as much as possible in all its activities to promote and protect human rights, in accordance with its international commitments.

85. By way of example, a consultation with nine civil society organizations was conducted during the preparation and conception of the country's official report on the protection of the rights of all migrant workers and members of their families. This gave members of civil society the opportunity to provide information supplementary to that collected by the Government in order to present a more complete and accurate analysis of the implementation of the Convention.

B. Information relating to the articles of the Convention

1. General principles

5. Please indicate whether the Convention has been directly applied by officials in the administration and/or invoked directly before the courts and whether the courts have applied the Convention; if so, please provide examples. Please also provide information on:

(a) The judicial and/or administrative mechanisms competent to examine and decide on complaints by migrant workers and members of their families, including migrant workers in an irregular situation

86. Senegal has several judicial mechanisms in the form of courts and tribunals, in particular the Labour Tribunal, which deals with labour rights; the *tribunal d'instance* (court of minor jurisdiction) and the *tribunal de grande instance* (court of major jurisdiction) for birth registrations; the Constitutional Council, which handles issues pertaining to liberty; and the Administrative Chamber of the Supreme Court for matters relating to the confiscation of documents and such like.

87. All stakeholders involved in migration take part in monitoring the enforcement of the laws and regulations and relevant policies and agreements on labour migration and migrant workers' rights, in their respective spheres of competence.

88. The labour authorities (the Directorate-General of Labour and Social Security and the regional labour and social security inspectorates) use the powers conferred on them by the laws and regulations to play such a role. Their main objective is to ensure compliance with labour laws and regulations. They provide information and advice and, above all, carry out checks on the ground. In addition, disputes may be referred to them by one of the parties.

89. In the event of a dispute, migrant workers can assert their rights before the competent authorities, either in person or through a representative. In that regard, the rights enjoyed by Senegalese workers and migrant workers are identical.

90. In order to assert their rights, they can file a complaint with the Labour Inspectorate regarding any work-related issue. They can also take their case to the Labour Tribunal for a judgment on the merits.

91. Under Senegalese law, all migrant and Senegalese workers who feel that they have been wronged thus have the possibility of appealing to the relevant administrative or judicial authority in order to have their rights reinstated. As part of that process, employers' and workers' organizations are recognized as persons before the law in order to be able to assist or represent their members in the defence of their rights.

92. In the Ministry of Foreign Affairs, the Labour Inspectorate is assisted by the Human Rights, Disputes and Advisory Services Division. This division helps Senegalese and foreign workers alike in the resolution of disputes arising with accredited diplomatic or

consular missions in Senegal or with international organizations. The Ministry of the Interior is, without doubt, the ministry most actively involved, through the following divisions:

- The Directorate-General of National Security
- The National Surveillance Directorate
- The Aliens Police and Travel Documents Directorate
- The Air and Border Police Directorate

(b) The complaints examined by such mechanisms since the date of entry into force of the Convention and their outcomes

93. Information will be provided when available.

(c) The ability of migrant workers to obtain legal assistance in this context

94. The system of legal assistance put in place by the Government makes no distinction between nationals and migrants.

(d) Any redress, including compensation, provided to the victims of such violations

95. The system of redress put in place by the Government makes no distinction between nationals and migrants.

(e) Any measures taken to inform migrant workers and members of their families about the remedies available to them when their rights have been violated

96. The Government has a public website established by the Ministry of the Interior and the Ministry of Foreign Affairs and Senegalese Abroad. These ministries have developed Internet-based information strategies to inform migrants and Senegalese nationals living abroad of the current legislation, policies and programmes introduced by the Government to promote and protect their rights.

2. Part II of the Convention

Article 7

6. The Committee has received reports that migrant workers from countries affected by the Ebola virus epidemic are subjected to discrimination and stigmatization, which affects, in particular, their rights to health, education, fairness in employment and housing, and that they are often the victims of harassment. The Committee has also received reports that children born in Senegal to parents who are foreign nationals encounter difficulty in obtaining Senegalese nationality, owing mainly to the cumbersome and lengthy procedure for obtaining nationality (naturalization). Please comment on these reports and indicate what measures have been taken to remedy these situations.

97. There have been no reported cases of discrimination in Senegal; the laws on health and education are the same for both Senegalese nationals and foreigners. The first case of Ebola virus affected a foreigner. The Government assumed full responsibility for his care, and he was treated locally.

98. The reform of the Nationality Code in July 2013 made it possible for Senegalese women to pass on their Senegalese nationality to their children. To do so, the woman simply has to file a request with the *tribunal d'instance* to obtain a certificate of nationality.

The procedure is the same for Senegalese nationals. The procedure for a foreign spouse to obtain Senegalese nationality has been made easier with the reduction of the required period of stay in Senegal from 10 to 5 years. Similarly, individuals who have rendered exceptional service to the nation or have worked for at least five years in the civil service or a public institution can receive Senegalese nationality.

3. Part III of the Convention

Article 17

7. Please describe the types of penalties imposed on migrant workers for violations of immigration laws. Please also indicate the number of migrants, disaggregated by sex, age and nationality, who are currently being held in administrative or judicial detention for violations of immigration laws. Please provide information on the decisions taken in their cases, the places of detention where they are being held and the conditions in which they are being held. Please also indicate how long they are held in detention, on average, and whether or not the country's laws set out a maximum period during which such persons may be held in custody. Please also indicate whether migrant workers in an irregular situation are separated from convicted prisoners and persons being held in pretrial detention and whether the detention of migrant workers in an irregular situation is used only as a measure of last resort, as recommended by the Committee in its previous concluding observations (para. 15). The Committee has received reports that, in police stations, the administrative detention of foreigners awaiting deportation could be prolonged indefinitely because of administrative or logistical problems. Please comment on these reports.

99. Act No. 71-10 of 25 January 1971 on conditions of admission, stay and establishment of foreigners and its implementing decree (Decree No. 71-860 of 28 July 1971) provide for different penalties in the event of a violation of migration legislation, such as:

- Expulsion following a final conviction for a serious or ordinary offence if the migrant's general behaviour and actions lead to the conclusion that he or she does not wish to adapt to the established order, in cases of serious and proven interference in the internal affairs of Senegal, or if a migrant can no longer fulfil his or her own needs and those of his or her family (Act No. 71-10 of 25 January 1971, art. 10)
- Removal in the event of irregular entry into Senegalese territory (Decree No. 71-860 of 28 July 1971 on the conditions of admission, stay and establishment of foreigners, art. 32)
- Revocation of permit authorizing stay or establishment in the event of non-compliance with the conditions of issue, if the permit has been obtained by means of false declarations or other fraud, or if the foreigner has neglected to inform the authorities of a change of address or work activity (article 9 of the same law)
- Withdrawal of the foreigner's identity card (article 34 of the same decree)

Article 22

8. Please describe in detail the expulsion procedures that are implemented in the State party, including the relevant legal provisions, and specify whether any expulsion orders that have been issued have been accompanied by the necessary procedural safeguards. Please indicate, in particular, whether a migrant worker who has been served with an expulsion order can appeal and, if so, how; please also indicate whether such appeals have suspensive effect.

100. The expulsion procedures are contained in articles 34 to 38 of the implementing decree of Act No. 71-10.

101. Under article 34, the expulsion of a foreigner is decided by order of the Minister of the Interior. The order sets the period by the end of which the foreigner will be forced to leave the country, if he or she has not already done so. This period begins on the date on which the person concerned is notified of the expulsion order. The notification of an expulsion order results in the immediate withdrawal of the foreigner's identity card. Article 35 provides that an expulsion order may, where appropriate, be rescinded following the same procedures, with notification of such a decision resulting in the restitution of the identity card of the person concerned.

102. In cases where an expulsion measure is decided after a final conviction, it becomes effective only after the sentence is served. The period set in the expulsion order begins on the date of the prisoner's release (art. 36).

103. In cases where a foreigner subject to an expulsion order is physically unable to leave the country, he or she may be required, on the decision of the Minister of the Interior, to reside in a designated place and to report periodically to the police station or gendarmerie in the area where he or she is residing, until such time as he or she is able to leave (art. 37).

104. Article 38 provides that any foreigner who has been subject to an expulsion order is barred from returning to Senegal if the order has not first been rescinded. A decision to expel must be substantiated, and the person concerned has the right to challenge the administrative act before the Council of State on ground of abuse of authority, with this action having suspensive effect.

105. Each migrant's situation is assessed on an individual basis, in accordance with the provisions of Act No. 71-10 of 25 January 1971 on the conditions of admission, stay and establishment of foreigners in Senegal and its implementing decree. In order to safeguard the interests of the individual concerned, the possibility of bringing proceedings before the Council of State on the ground of abuse of authority is available.

106. In the event of loss of employment, the migrant worker is required to provide evidence of his or her means of support when renewing his or her residence permit. The loss of employment does not immediately place him or her in an irregular situation.

107. Throughout the expulsion procedure, the migrant worker is treated with the dignity befitting a human person.

Article 23

9. **Please provide detailed information on the consular services provided by the State party to Senegalese migrant workers living abroad, including those in an irregular situation, in particular those who have been deprived of their freedom and are subject to an expulsion order. Please indicate what measures are taken, in law and in practice, to ensure that the consular authorities visit them regularly and provide them with legal assistance with regard to expulsion measures, as recommended by the Committee in its previous concluding observations (para. 17).**

108. According to the Ministry of Foreign Affairs and Senegalese Abroad: "All Senegalese nationals residing abroad should automatically register with the consulate or embassy in their area, where a register is open for that purpose. Persons who complete this formality will enjoy the protection of our diplomatic missions and consulates, including those in an irregular situation. Registration is a prerequisite for obtaining a consular card. Holders of this document receive a certificate of relocation upon their permanent return to Senegal."

109. A booklet for Senegalese expatriates in France regarding their rights in the area of social security has been published on the Senegalese social security website.

110. Furthermore, the consular authorities can request information on the grounds for the arrest of their nationals and on the conditions of detention.

111. To ensure that Senegalese abroad who are in an irregular situation are not subjected to degrading violations of their human rights, the Government of Senegal has signed bilateral readmission agreements and has clearly outlined to its diplomatic and consular missions the obligation to aid Senegalese nationals during their stay in a foreign country, notably if their rights have been violated, including those in an irregular situation, in particular those who have been deprived of their freedom and are subject to an expulsion order.

Article 25

10. **Please provide information on what steps have been taken or are planned to ensure that migrant workers employed in the informal sector and domestic workers are not exploited or subjected to abusive working conditions and that they are afforded the same treatment as nationals with regard to remuneration and working conditions.**

112. Migrant workers enjoy the same rights and are subject to the same obligations as nationals. No discrimination on the grounds of, among others, nationality, race or religion is tolerated in Senegalese law. In this regard, the Government has taken steps to protect both migrant workers and nationals through article 1 of Act No. 2005-06 on combating trafficking in persons and related practices and on the protection of victims. This article provides for a prison term of between 5 and 10 years and a fine of between 5 and 20 million CFA francs to combat "the recruitment, transportation, harbouring or receipt of persons by means of the threat or use of violence, abduction, fraud, deception, abuse of power or of a position of vulnerability or by the giving or receiving of payments or benefits to obtain the consent of a person having authority over another for the purpose of sexual exploitation, forced labour or services, slavery or practices similar to slavery, or servitude. Articles L1 (1) and L105 of the Labour Code call for equality of treatment. Article L4 of the Code prohibits forced and compulsory labour while article L279 sets out the penalties for such offences: "Any person who, through violence, threats, deception, malicious intent or undertaking, coerces or attempts to coerce a person into taking employment, against his or her will, or who, by the same means, attempts to prevent or prevents a person from taking employment or from fulfilling the terms of his or her contract shall be liable to a fine of

between 500,000 and 1 million CFA francs or a prison term of between 3 months and 1 year, or both."

113. Regarding equal opportunity and treatment for migrant workers and nationals, the principle of equality of treatment in terms of access to employment, irrespective of nationality, is enshrined in the Constitution. Equality of treatment is an important principle to which Senegal is committed, and its ratification in 1967 of the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111) is a clear demonstration of its willingness to ensure respect for that principle. In Senegal, all categories of migrant workers are covered by the provisions relating to equality of treatment and non-discrimination, without exception.

Article 26

11. Please indicate what measures have been taken to amend legislation in order to allow migrant workers to obtain access to administrative and management positions in a trade union, including when their country of origin does not extend the same rights to Senegalese nationals, as recommended by the Committee in its previous concluding observations (para. 16).

114. The right to organize and protection of that right are recognized for all persons exercising a professional activity in Senegal, including migrant workers. Under article L9 of the Labour Code, all foreign nationals are free to join a trade union. If a foreign national has been resident in Senegal for at least five years, he or she may assume administrative or managerial functions in a trade union, provided that his or her country of origin accords the same right to Senegalese nationals.

115. No measures have yet been taken by the Government to discontinue the application of the principle of reciprocity with regard to migrant workers' right to obtain access to administrative and management positions in a trade union. Senegal is therefore continuing to increase the number of cooperation agreements with other countries as a means of promoting respect for the rights of migrant workers and members of their families.

Article 27

12. Please indicate what measures have been taken to ensure that no distinction is made between national and migrant workers in the formal sector in terms of the payment of retirement pensions, as recommended by the Committee in its previous concluding observations (para. 14). In addition, the Committee has been informed that there is no mechanism for the payment of social benefits to workers in the informal sector, many of whom are migrant workers, or to the families of Senegalese workers abroad. Please indicate what measures have been taken or are planned to ensure that persons working in the informal sector and the families of Senegalese emigrants have access to social benefits.

116. Migrant workers and members of their families benefit from social security coverage in the same conditions and under the same rules as Senegalese workers. All welfare benefits to which Senegalese workers are entitled are guaranteed to migrant workers and their family members as soon as the conditions of residence in Senegal are met. They enjoy the same social security benefits and must therefore fulfil the same obligations in respect of contributions.

117. An analysis of Act No. 73-37 of 31 July 1973 on the Social Security Code, Act No. 75-50 of 3 April 1975 on social welfare institutions and Act No. 91-33 of 26 June 1991 on transforming the Social Security Fund into a social welfare institution found that the only restrictions applicable to foreign workers arose in the event that they contributed to a

scheme governed by other legislation. This shows that the Senegalese Social Security Code is sufficiently inclusive and does not discriminate against foreign workers. By way of example, the opening article of the Code makes no distinction as to nationality: "Social welfare institutions that group together all or part of the workforce of one or more companies and are established, pursuant to collective agreements, company agreements or individual contracts, to provide benefits for employees and their families so as to offset social risks of all kinds are required to comply with the provisions of the present Act, even where those institutions are non-contributory."

118. As regards the payment of retirement pensions, national legislation places no restrictions regarding the place of residence of migrant workers, who may elect to receive their pensions in Senegal, in their country of origin or in any other place of their choosing. The costs involved in making the pension available are met by the retirement scheme to which the beneficiary belongs.

119. Numerous bilateral agreements in the areas of security or technical coordination have been entered into with social security entities with a view to facilitating the payment of withdrawal settlements or of pension rights acquired, or in the process of being acquired, by migrant workers and members of their families.

120. All social security agreements signed by Senegal are based on the right to equality of treatment between nationals and foreigners and on the maintenance of the rights acquired, or in the process of being acquired, by migrant workers, taking into account their residential mobility.

121. Guaranteeing the rights of migrant workers through legislation or regulations is a significant step forward. Should these rights be violated, a migrant worker may report his or her employer to the labour inspectorate of his or her place of residence, in the same manner as a Senegalese national. If an amicable settlement cannot be reached, the worker may have recourse to the courts, specifically the Labour Tribunal.

122. Invalidity, old-age and survivors' pensions are exportable and foreign beneficiaries may receive their pensions in their country of origin as soon as they fulfil the conditions for entitlement thereto. The advantage of this arrangement lies in the fact that there is no longer any requirement for the conclusion, in advance, of bilateral social security agreements with pension services outside the country of employment.

123. The establishment of a bank or post office payment system is another means of guaranteeing that migrant workers who leave the country of employment receive, for themselves and their families, the benefits arising from past employment in terms of remuneration, social security and other entitlements, irrespective of their migrant status. The system adopted by Senegal benefits workers returning to their countries of origin and facilitates the transfer of pensions by preventing the beneficiaries from having to travel in order to collect their pensions. Outsourcing pension payments to banks and post offices has enabled waiting times at the counter to be shortened and the payment transfer period to be reduced from eight to six days.

124. As for access to social welfare benefits for Senegalese or migrant workers in the informal sector, no measures have yet been taken. However, in view of its commitment to human rights ideals, Senegal is open to any initiative that could improve the situation of this category of worke..

Article 28

13. **Please describe the conditions under which migrant workers, including migrant workers in an irregular situation, can access health care and what type of care is available to them. Please indicate, in particular, what measures have been taken by the State party, in law and in practice, to ensure that all migrant workers and members of their families have access to basic health services, such as urgent medical care.**

125. The conditions under which migrant workers, in both regular and irregular situations, can access health care are the same as for Senegalese workers. These conditions are set out in Decree No. 2012-832 of 7 May 2012 on the organization and functioning of company or inter-company sickness insurance institutions. Participation in such institutions is mandatory, since they provide migrant workers and members of their families with partial coverage for the costs incurred as a consequence of non-occupational diseases. This cover is funded by means of monthly salary contributions. Treatment is curative and administered in public or private health-care facilities, with the amount of coverage ranging from 50 to 80 per cent of the costs of care. All businesses with a workforce of at least 300 staff are obliged to create sickness insurance institutions. Companies with fewer than 300 staff must join an inter-company institution. Both employees and employers are required to make contributions to enable workers to take advantage of the health-care services provided in authorized health facilities. This coverage is extended to families of workers. Article 2 of Ministerial Decree No. 2159/MFPTRI/DGTSS/DPS of 18 February 2013 establishing the standard rules and internal regulations for sickness insurance institutions makes provision for:

- General and specialized medical consultations
- X-rays, prescription medication, restorative dental work
- Childbirth
- Ophthalmology
- Transport to and from the nearest hospital facility for surgical or medical hospitalizations

126. Certain treatments are covered on an optional basis, such as:

- Dental prosthetics
- Orthopaedic devices
- Physiotherapy or massage treatments prescribed by a doctor
- Costly radiological procedures, such as magnetic resonance imaging (MRI) scans

Article 30

14. **Please provide information on the measures taken to ensure that the children of migrant workers have access to education, irrespective of their parents' migratory status. Please indicate whether schools are required to inform the authorities of a child's migratory status.**

127. Act No. 91-22 of 16 February 1991, which set forth guidance for national education, as amended by Act No. 2004-37 of 15 December 2004, provides for access to the education system for all children living in Senegalese territory. The 2004 revision made education compulsory for children aged between 6 and 16 years.

128. The right to education is enshrined in articles 21, 22 and 23 of the Constitution. Pursuant to these articles, it is for the State and the local authorities to establish the conditions and the public institutions necessary for guaranteeing education. The State has a duty and responsibility to educate and train young people, and all children — boys and girls — in every part of the country have the right of access to schooling. No obligation is placed on schools to inform the authorities of a child's migratory status.

Article 33

15. **Please indicate what measures have been taken to inform Senegalese emigrants and migrant workers in transit through or living in the State party, as well as members of their families, of their rights under the Convention, conditions of admission and their rights and obligations in the State of employment. Please also indicate whether the State party has set up any specific information and training programmes on the Convention for relevant public officials, such as police officers, embassy and consular staff, social workers, judges, prosecutors and other relevant public officials, as recommended by the Committee in its previous concluding observations (para. 13).**

129. The Government and the Ministry of Foreign Affairs and Senegalese Abroad have established a website to provide information on the rights under the Convention and the conditions of admission, stay and establishment in Senegal. The website can be found at the following address: www.servicepublic.gouv.sn.

130. Training sessions on forged documentation, migration flow management and respect for the rights of migrants are held on a regular basis as part of bilateral cooperation with certain countries, such as France, the United States of America and Spain, with a view to strengthening the capacities of officers deployed at border posts.

131. As for informing migrants of their rights under the Convention, it is worth mentioning the migrant communities established in Senegal that are organized around associations recognized by the public authorities whose function it is to uphold the interests of their members.

4. Part IV of the Convention

Article 41

16. **Please indicate what steps have been taken to ensure that Senegalese migrant workers and members of their families have the right to vote and to be elected at elections held in the State party.**

132. As long as they meet the conditions provided by Senegalese law in this area, Senegalese migrant workers may be candidates for elective office. They and their family members have the right to vote. They are full-fledged citizens, like those who live in Senegal.

Article 47

17. **Please indicate what measures have been adopted to facilitate the transfer of Senegalese migrant workers' earnings and savings to the State party, including any agreement to reduce the cost of these operations for migrant workers. In particular, please indicate what steps have been taken to help the recipients of these funds to gain the necessary capacity to invest them in sustainable income-generating activities and to promote and strengthen the involvement of the Senegalese diaspora in the country's development.**

133. For some time, technological innovations have been facilitating domestic and regional money transfers. These innovations, including money transfers by mobile telephone or card, have made it possible to increase the number of locations at which money can be sent and received, through automated teller machines or non-bank retailers offering mobile payment options. There is currently a variety of retail payment platforms.

134. At the regional level, for example, there is the WAEMU Interbank Electronic Banking Group, which promotes card-based electronic banking, allowing holders of one of the Group's cards to withdraw money from all the banks and financial institutions in the Group's network and to make payments through participating retailers at reduced cost. There are also mobile operators, such as Orange Money, that now offer opportunities to transfer money from Senegal to Mali and Côte d'Ivoire through the Orange Money network of retail agents. Finally, there is FERLO, which is a Senegalese company and the first electronic money institution (EMI) in the WAEMU region authorized to offer options for transferring money by card and by mobile telephone at the national and regional levels.

135. At the national level, there is Wari, a pioneer in money transfers by mobile telephone in Senegal. As a result of its low prices for transfers, its network and its convenience, it is now routinely used by Senegalese families. The postal service, with its mobile telephone transfer service, known as Post One, and Joni Joni, which is an emerging company along the same lines as Wari, are making effective contributions to improving money transfer conditions in Senegal.

136. Thanks to their low prices and potential coverage, which extends even to areas where electronic or Internet connections are lacking, these companies are doing a considerable amount to increase the capacity to make payments in the country.

137. It should also be stressed that the Financing Facility for Remittances, coordinated by the International Fund for Agricultural Development (IFAD), funded four projects in Senegal, one for the postal service and three to promote decentralized financial systems. The aim is to improve accessibility in rural areas, widen the range of products offered to the segment of the population less well served by banks and put in place alternative channels for transfers.

138. Innovative methods have been tested, making it possible to lower costs and offer means of making transfers to accounts and thus facilitating access to savings products for migrants as close as possible to their areas of origin. A housing finance product for migrants was developed by the Partenariat pour la Mobilisation de l'Epargne et le Crédit au Sénégal (Partnership for the Mobilization of Savings and Credit in Senegal). These commercial initiatives have been developed together with associations of migrants.

139. The International Labour Office, with the backing of the Spanish Agency for International Development Cooperation, has set up a financial education project targeting families of migrants and migrants themselves and drawing on standard financial education modules. These modules have been tailored to Senegalese migrants and their families by capitalizing on the expertise of the International Labour Office and Senegalese stakeholders specialized in the field. In all, 1,050 people have taken these modules, including 650

migrants in Italy, France and Spain. A kit of specific financial education tools for migrants has been put together (a trainer's guide and audio and video materials).

140. The Programme of Support for the Initiatives of Senegalese Migrants Based in France, financed by Senegal and France, was launched in 2005. It was organized around five areas:

- Supporting Senegalese developers who are based in France and planning private economic investments in Senegal
- Mobilizing the highly-skilled diaspora based in France for short-term consultancy missions in Senegal
- Financing local development projects in the areas of origin of migrants
- Volunteering for development
- Taking sector-specific action to contribute to narrowing the digital divide in outlying areas

141. Through areas 1 and 3, the Programme provided support for individual and group investments by migrants with 482 private business plans and 131 infrastructure projects.

5. Part VI of the Convention

Article 64

18. Please indicate what measures have been adopted to ensure the protection of the rights of Senegalese migrant workers given the considerable number of Senegalese migrant workers being deported or expelled from Europe and some North African countries. Please indicate what steps the State party has taken to ensure that the memorandums of understanding and bilateral agreements with countries hosting Senegalese migrant workers guarantee sound, equitable and humane conditions for migrant workers, address the economic, social, cultural and other needs of migrant workers and members of their families and ensure respect for the rights set forth in the Convention. Please also provide information on any migration controls carried out by foreign authorities on the land and sea territory of Senegal in order to combat irregular migration from Senegal, indicating the legal basis of such controls, in particular the existence of bilateral agreements with the foreign authorities concerned and specifying whether, in law and in practice, such controls are carried out with due respect for the rights set forth in the Convention.

142. Senegal has ratified almost all the instruments for the protection of human rights. This includes the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention relating to the Status of Refugees of 1951, the Protocol relating to the Status of Refugees of 1966 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990. All these instruments protect the rights of migrant workers either directly or indirectly.

143. On the specific issue of the protection of their rights, in addition to the fact that Senegal has ratified several ILO international conventions, the mere fact of its membership of that organization means that it is bound by the provisions of what are referred to as the fundamental conventions.

144. Together with 12 other countries of the subregion, Senegal is a member of the Economic Community of West African States (ECOWAS). Within the framework of this integration organization, several measures have been taken on the issue of migration. The

first instrument adopted in that regard was Protocol A/P1/5/79 Relating to Free Movement of Persons, Residence and Establishment, adopted in Dakar on 29 May 1979 and in force since 8 April 1980. Before that, article 3 (2) of the 1975 Treaty establishing the Economic Community of West African States had provided for the removal of obstacles to the free movement of persons, goods, services and capital, and for the right of residence and establishment. The Protocol establishing the Citizenship Code of the Economic Community of West African States of 1982, Supplementary Protocol A/SP1/6/89 amending and complementing the Provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment of 1984 and Supplementary Protocol A/SP1/7/85 establishing a Code of Conduct for the implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment were adopted as part of the integration policy implemented at the West African level.

145. WAEMU has established a common market based on the free movement of people and goods and the right of establishment. Under article 91 of the Treaty of the West African Economic and Monetary Union, discrimination on the basis of nationality with respect to seeking employment and working is prohibited, with an exception made for positions in public service. Nationals of member States have the right to travel and stay in any of the States members of the Union, as well as the right to continue residing in one of those States after having worked there.

146. In terms of social protection, there is the Inter-African Conference on Social Security (CIPRES), established by 14 States on 29 September 1993. The Conference is involved in efforts to unify social security in the countries concerned by harmonizing social legislation and social security contributions. In this regard, its social security agreement was signed in Dakar in February 2006.

147. At the national level, Senegal has a legal framework regulating migration. The right to travel and settle in the country or abroad is a constitutional principle, enshrined in article 14 of the Constitution. Since 1981, no Senegalese citizens, with the exception of public servants, have been required to obtain an exit visa.

148. There is limited Senegalese legislation pertaining to emigration, which still depends on the regulations of the host countries and the establishment conventions concluded by Senegal with those countries.

149. However, prospective Senegalese emigrants must comply with the applicable legal requirements. For example, they must have a valid passport and, if necessary, a visa, and there must be no legal proceedings pending against them.

150. At the institutional level, the Ministry of Foreign Affairs and Senegalese Abroad, through the embassies and consulates, ensures that Senegalese migrants are respected and protected. Through embassies and consulates, Senegalese abroad can obtain legal assistance from the Chancellery Division, which is attached to the Ministry's Department of Legal and Consular Affairs. A fund to support investments made by Senegalese abroad, intended to assist such Senegalese, has been set up in the Ministry. The Office of the President of the Republic has an operational service, the Committee for Aid and Assistance to Refugees, Repatriates and Displaced Persons, which was established pursuant to Decree No. 2003-291 of 8 May 2003, specializing in the repatriation of Senegalese abroad from countries in crisis. Under the authority of the President of the Republic, it is chaired by the President's Chief of Staff.

151. There are agreements between Senegal and its partners from the North within the framework of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX). In 2006, Senegal signed the Africa Plan with the Government of Spain. The Plan provides for the

conclusion of readmission agreements and enhanced cooperation with States in West Africa, including in security and border control.

152. In 2006, patrols, referred to as Operation HERA, were carried out in Senegalese territorial waters by FRONTEX under its cooperation agreement with Senegal, with the support of a network of European liaison officers in Africa.

153. Senegal has also concluded a readmission agreement for unaccompanied minors with the Spanish Government that includes general references to obligations under international law and the best interests of the child but does not specify any protection or guarantees in this regard before, during or after repatriation of a child. The agreement was signed on 5 December 2006, ratified in April 2008 and published in the Official Gazette as Act No. 2008-19 of 22 April 2008. In 2010, Senegal entered into a bilateral agreement with Spain to enable FRONTEX to continue its operations from Dakar.

154. Senegal has concluded several bilateral agreements — with France on 5 March 1960, with Mali on 13 May 1965, renegotiated on 26 July 1996, and with Mauritania on 28 October 1972 — on either social security or labour. Senegal has also entered into agreements with Morocco (on 27 March 1964) and Gabon (on 30 March 1979) in order to place nationals of those countries on the same footing as host country nationals with regard to access to paid employment, the independent professions and public employment.

155. In 2005, Senegal adopted the Act on combating trafficking in persons and related practices and on the protection of victims. In substance, this Act (chap. 2) criminalizes irregular migration. Article 4 states: "Clandestine migration organized by land, sea or air shall be punishable by a prison term of between 5 and 10 years and a fine of between 1 and 5 million CFA francs, whether Senegalese territory serves as a point of origin, transit or destination."

156. In addition, a French police officer is seconded to the Director of Air and Border Police as a technical adviser on security and immigration.

157. For the rest, Senegal has adopted a national border management and migration strategy that confers a status on workers in border areas. This concept reflects the improved institutional supervision of nationals from countries in the subregion who are arriving en masse in the gold-producing border areas, where they devote themselves to traditional gold-washing activities.

158. Lastly, Senegal is also involved in the programme to abolish residence permits in the ECOWAS area. This will certainly improve the conditions of stay of "migrants" to Senegal, which is also a signatory to bilateral conventions, including with Cabo Verde, that facilitate the exercise of certain professions, including independent professions.

Article 65

19. **Please provide information on the assistance provided by the State party to Senegalese migrant workers and the support provided by embassies and consulates in order to resolve their grievances. Please indicate the number of persons who have benefited from these services since 2010, the circumstances under which these services have been provided and any problems or obstacles that the State party has encountered in providing them.**

159. As regards the organization of State services, technical services exist to guarantee the promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families.

160. Providing economic, social and cultural support to Senegalese nationals is a priority for the country's embassies and consulates. In this regard, ambassadors and consuls see to

the promotion and protection of the interests of the Senegalese community in the State to which they have been accredited. For example, they carry out ongoing outreach activities to provide the Senegalese community with efficient political, economic, social and cultural guidance through continuous support for the organizations and bodies responsible for community affairs; the organization of workshops and seminars on political, economic, social and cultural issues; and assistance to strengthen the Senegalese community organizations in that country.

Article 67

20. **Please provide information on the number of Senegalese migrant workers who have returned to the country since 2010. Please indicate what measures have been adopted to ensure their orderly return, as recommended by the Committee in its previous concluding observations (para. 21), with a view to facilitating the durable economic, social and cultural reintegration of Senegalese migrants returning to the State party, especially in respect of the management of unaccompanied minors. Please also provide information on the number of Senegalese migrant workers in Libya who have requested repatriation or are awaiting repatriation to the State party and on the arrangements made for their return.**

161. The State has an operational service — namely, the Committee for Aid and Assistance to Refugees, Repatriates and Displaced Persons, attached to the Office of the President of the Republic and chaired by the President's Chief of Staff — that specializes in the repatriation of Senegalese abroad in crisis situations. On several occasions, substantial means have been deployed by the Committee for the repatriation of Senegalese nationals. The ministry responsible for Senegalese abroad, in accordance with its terms of reference, is responsible for creating favourable conditions for the return and socioeconomic reintegration of Senegalese migrant workers and members of their families, in cooperation with all State departments and technical services. In this regard, the establishment and strengthening of the Ministry of Foreign Affairs and Senegalese Abroad is a very important step in the implementation of a policy for organizing emigrants so as to optimize their contribution to national development and ensure their protection and management within the framework of their orderly return and successful reintegration. In this regard, a special fund for aid and assistance to migrants has been set up.

162. Senegalese legislation — articles 593 et seq. of the Criminal Code — provides for protection of unaccompanied minors as soon as they may be considered to be in danger. The Department of Correctional Education and Social Protection of the Ministry of Justice deals effectively with issues relating to this vulnerable group. They may be subject to measures of protection, assistance, oversight and education.

163. To date, there are no national statistics on unaccompanied children and adolescents. Some piecemeal statistics shed light on the situation of these children:

- 72 per cent of children aged 5-17 years were involved in child labour in 2010
- 7,800 child beggars were identified in Dakar Region in 2007, 90 per cent of them *talibés* and 42 per cent from countries in the subregion
- There were 70,000 migrant children in 2010
- Orphaned children and/or children living without their parents: 43.1 per cent

Article 68

21. Please describe the measures taken by the State party to effectively detect, prevent and eliminate illegal or clandestine movements and employment of migrant workers and members of their families, including women and unaccompanied minors. Please provide information on prevention campaigns developed by the State party with a view to combating the dissemination of misleading information relating to emigration and immigration, and on programmes aimed at raising awareness among its nationals, including children, of the dangers of irregular migration.

164. Monitoring has been stepped up in response to the increase in clandestine migration. Senegal has concluded partnership agreements with the Governments of receiving countries and the International Organization for Migration (IOM). The capacities of the law enforcement agencies responsible for border control have been boosted, especially in the areas of training and equipment and technology for monitoring maritime boundaries. The 2005 Act on combating trafficking in persons and related practices made clandestine migration a criminal offence.

165. The National Protection System takes into account the protection of the rights of migrant children and adolescents and of those who are unaccompanied. In December 2013, Senegal adopted the National Child Protection Strategy, which is the frame of reference for child protection and assistance and is bringing about improvements in the situation of children through the creation of an environment conducive to their growth and optimal development.

166. Various services are thus involved in dealing with this issue:

- The Department for the Right to Protection of Children and Vulnerable Groups of the Ministry for Women, the Family and Children is responsible for protecting and promoting children's rights and overseeing projects and programmes for children, including a project to combat child vulnerability. The Ginddi Centre, attached to the Ministry, is a reception, information and counselling centre whose mission is to take children off the streets and reintegrate them and to provide psychological support and social and medical assistance for girl and boy victims of trafficking from Senegal and other countries in the subregion and for child victims of sexual abuse and harmful sociocultural practices.
- The Ministry of Justice, through the Department of Correctional Education and Social Protection and its external services (one-stop centres, protection centres and non-institutional supervision services), is responsible for the protection and rehabilitation of children who are in conflict with the law, in moral danger or both. The Department of Criminal Affairs and Pardons is responsible for evaluating the effectiveness of the justice system's actions in this area. The Ministry of Justice also has a Department of Human Rights, which has a broad mandate for the promotion and protection of human rights.
- The Ministry of the Interior has a specialized police unit, the Special Minors Brigade, whose mission is to protect children in moral danger, identify them and ensure their reintegration, together with institutions such as protection centres, providers of non-institutional supervision services, the Ginddi Centre and NGOs.
- The Ministry of Labour oversees the National Unit to Combat Child Labour; in addition, it works with the ILO International Programme on the Elimination of Child Labour as part of efforts to eliminate the worst forms of child labour.

22. The Committee has received reports that nearly half of children who are forced to beg come from neighbouring countries, such as the Gambia, Guinea, Guinea-Bissau

and Mali, and that most of them are *talibés*. The Committee has also received reports that:

(a) Migrant women and girls are forced into domestic servitude or are the victims of sexual exploitation, including for the purposes of sex tourism in the State party;

(b) Senegalese women and girls are subjected to such treatment in foreign countries; and

(c) Senegalese children are forced to work in gold mines abroad.

Please indicate what measures have been adopted to resolve these issues and to prevent and combat the smuggling and trafficking of migrants, and describe the impact of those measures. In particular, please provide information on the steps taken and planned to remove children who are forced to beg from the streets and to impose harsher penalties on the marabouts who exploit *talibés* for economic gain.

167. According to the study of Koranic schools in Dakar Region undertaken by the Ministry of Justice and the Office of the Prime Minister through the National Unit to Combat Trafficking in Persons, especially Women and Children, 7.20 per cent of children who beg come from neighbouring countries.

168. With regard to subregional management, a cooperation project with West African States was initiated by Senegal. Jointly financed by the European Union and ECOWAS, it will be implemented by the International Centre for Migration Policy Development. The project supports the free movement of persons and migration in West Africa. The idea is to have a subregional coordination mechanism that will help strengthen the capacities of actors in this field. Concerning the impact of these measures, awareness is now considerably heightened, which has led to a better understanding of the phenomenon. This awareness is being achieved, inter alia, through discussion in the media, such as radio and television. In the justice system, there are now prosecutions for trafficking cases, and convictions have been handed down by the courts.

169. The control of migration flows has been considerably strengthened, not least by setting up FRONTEX projects, a development that has contributed to a significant drop in clandestine movement.

170. The measures taken to address domestic servitude, sexual exploitation of women and girls and child labour in gold mines abroad include the adoption in 2005 of Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices and on the protection of victims. This Act, which addresses both trafficking and migrant smuggling, establishes a penalty of imprisonment for a term of from 5 to 10 years for the smuggling of migrants by land, sea or air. It also penalizes fraud and the falsification of travel and other documents. Attempts to commit these offences are also punishable. To improve the effectiveness of investigations, this Act authorizes visits, searches and seizures both during the day and at night. With regard to specific measures, in August 2010 the Minister of Justice issued a circular instructing public prosecutors and the courts to enforce the Act fully. To improve knowledge of this Act, capacity-building sessions are regularly held for law enforcement personnel.

171. In 2015, the Ministry of Justice called on the Ministry of Foreign Affairs and Senegalese Abroad to ensure that the cases involving the exploitation of Senegalese women domestic workers abroad, in Lebanon in particular, were investigated. Information in that regard will be provided when it is available.

172. There is a bill on the modernization of *daaras* that will certainly contribute significantly to the removal from the streets of children who are forced to beg. Other

initiatives have been taken at the local level in partnership with the National Unit to Combat Trafficking in Persons. They involve round tables, forums and film screenings throughout the year to raise public awareness of the issue. For 2016, the Unit has set up a communication plan on the issue of begging.

173. As a result of cooperation with neighbouring countries (the countries of origin of some children) and with international and national organizations, some *talibés* have been reunited with their families. Forty-eight Senegalese children were repatriated from the Gambia. These children, who lived with their two marabouts in Bondalie, were transferred to Serekunda following a report on their difficult living conditions. This action was made possible by the West Africa Network, which is a network of 15 West African countries that supports and protects child migrants.

23. The Committee has learned that the 2005 Act on combating trafficking in persons and related practices and establishing protection for victims provides for the prosecution and conviction of any person over the age of 18 who knowingly participates in the commission of the offence of clandestine migration and has been invoked to prosecute Senegalese migrants attempting the crossing to Europe. Please indicate whether measures have been adopted to amend the Act to bring it into line with the Convention. Please provide detailed information on the cases in which persons have been convicted for these offences.

174. The 2005 Act has not yet been amended. It should be noted, however, that victims are increasingly less likely to be prosecuted. Discussions on amending the Act have begun.

24. Please provide information on the steps taken to effectively apply the 2005 Act on combating trafficking in persons and related practices and establishing protection for victims, which includes a ban on the exploitation of begging by others. Please also indicate what steps have been taken to effectively apply the strategic plan (2008-2013) on the education and protection of child beggars and children not enrolled in school. The Committee has been informed of the existence of a national action plan to combat trafficking in persons, especially women and children (2008-2013) and the development, in June 2013, of a road map on eliminating the worst forms of child labour by 2016. Please describe the outcomes of that action plan and the road map. The Committee has also been informed of a delay in the allocation of human and financial resources to the National Unit to Combat Trafficking in Persons, especially Women and Children. Please provide information on the steps taken to remedy this situation. Please also indicate what measures are being considered for the systematic collection of data on trafficking in persons.

175. On this issue, the Minister of Justice's circular of August 2010 and the capacity-building for law enforcement officers have already been mentioned. With regard to the strategic plan (2008-2013) on the education and protection of child beggars and children not enrolled in school, in-depth reflection has taken place, leading to the development of a bill on the modernization of *daaras*. The Ministry of Education and all other stakeholders are currently working in full cooperation to address this problem. Of the initiatives provided for by the National Action Plan to Combat Trafficking in Persons, Especially Women and Children (2008-2013), 80 per cent have been taken, and an implementation report was submitted to the Prime Minister in June 2015.

176. No action has yet been taken to address the delay in the allocation of human and financial resources to the National Unit to Combat Trafficking in Persons, especially Women and Children.

177. With regard to measures being considered for the systematic collection of data on trafficking in persons, a database has been set up and approved.

25. Please indicate what measures have been taken to increase the allocation of human and financial resources to the Labour Inspectorate and to train its staff appropriately, including in the Convention, as recommended by the Committee in its previous concluding observations (para. 22), so that the staff may adequately monitor and investigate cases of trafficking in persons and associated practices.

178. All stakeholders involved in migration take part in monitoring the enforcement of the laws and regulations and relevant policies and agreements on labour migration and migrant workers' rights, in their respective spheres of competence.

179. The labour authorities (the Directorate-General of Labour and Social Security and the regional labour and social security inspectorates) use the powers conferred on them by the laws and regulations to play such a role. Their main objective is to ensure compliance with labour laws and regulations. They provide information and advice and, above all, carry out checks on the ground. In addition, disputes may be referred to them by one of the parties.

Article 69

26. Please indicate whether the State party has launched an information campaign on the procedure for migrant workers in an irregular situation to regularize their situation and whether it has set up an accessible and expeditious regularization procedure as well as a system to support migrant workers in an irregular situation throughout the process, as recommended by the Committee in its previous concluding observations (para. 23).

180. Normally, under the legislation in force, it is for migrant workers in an irregular situation to contact the services of the Aliens Police and Travel Documents Directorate to obtain information on how to regularize their situation. In such a situation, the police and civil authorities assist the migrant workers concerned with their regularization by providing them with the information necessary to complete all administrative formalities. While the request is being processed, a foreigner in an irregular situation is given a deposit receipt that can be regarded as a temporary residence permit.

Part II

In this section, the Committee invites the State party to briefly (in a maximum of three pages) provide additional information regarding the protection of all migrant workers and members of their families with respect to:

(a) Bills or laws and their respective regulations

181. Examples include:

- Act No. 71-10 and its implementing decree, No. 71-860, on conditions of admission, stay and establishment of foreigners in Senegal
- Act No. 61-10 of 7 March 1961, as amended by Act No. 89-42 of 26 December 1989, on Senegalese nationality
- Act No. 2005-06 of 10 May 2005 on combating trafficking in persons and related practices and on the protection of victims
- Act No. 81-77 of 10 December 1981 on the punishment of acts of racial, ethnic or religious discrimination

- Act No. 2005-02 on the criminalization of clandestine migration to, from or through Senegal

(b) Institutions (and their mandates) or institutional reforms

182. The institutional framework: although several ministries, such as the Ministry of Labour and the Ministry of Foreign Affairs and Senegalese Abroad, are involved in managing migration issues, the Ministry of the Interior, with the following directorates, is clearly the most heavily involved:

Directorate-General of National Security

183. The Directorate-General has jurisdiction over all matters relating to the safety of persons and property, as well as State security. It is responsible for using the necessary means to ensure public order, enforce the general, municipal and rural police regulations, investigate criminal offences and draw up reports on them, provide the Government and public authorities with information, monitor the borders, control the movement of persons across borders and attend to the legislation on the aliens police.

National Surveillance Directorate

184. The Directorate's mission is to obtain and centralize the political, economic and social information necessary to the Government and the authorities.

Aliens Police and Travel Documents Directorate

185. The Directorate is responsible for ensuring the enforcement of the legislation establishing the conditions of entry, stay and establishment of foreigners and the issuance of national passports, safe-conducts, documents exempting the bearer from the payment of repatriation deposits and freedom of movement permits.

Air and Border Police Directorate

186. The Directorate ensures the control of the entry and movement of persons and the enforcement of the laws and regulations governing land, sea and air borders, combats drug trafficking, oversees the import, sale and possession of weapons and ammunition, and deals with trafficking in persons and the theft of objects and works of art.

187. Mention can also be made of the Directorate-General of Labour and Social Security, the regional labour and social security inspectorates and the Labour Tribunal.

188. Several other State organizations are involved in managing migration issues, including the Ministry of Economic Affairs and Finance and the ministries responsible for youth, women, land-use planning and housing. Each ministry, depending on its remit, may take responsibility for a particular aspect of migration.

(c) Policies, programmes and action plans relating to migration, and their scope and financing

189. Examples of programmes and projects include:

- A project to support the reintegration of clandestine emigrants
- A local development and legal migration project as an alternative to clandestine immigration
- A project to prevent illegal migration from Senegal to the European Union
- A project on internal alternatives to irregular migration

- A project to reinforce the actions taken by women's organizations and groups to combat phenomena involving irregular migration
- A thematic cooperation programme with third countries in the field of migration and asylum
- Bilateral programmes for the legal migration of labour (with Spain, France and Italy)
- Support programmes for development initiatives

(d) Recent ratifications of human rights instruments, specifically International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and ILO Domestic Workers Convention, 2011 (No. 189)

190. ILO Conventions Nos. 97 and 143 have not yet been ratified by Senegal.

(e) Recent comprehensive studies on the situation of migrant workers

191. The report on the 2013 general census by the National Statistics and Demography Agency, published in 2015.

Part III

Data, statistics and other information, if available

1. Please provide updated disaggregated statistical data for the last three years on:

(a) The volume and nature of migration flows into and from the State party since the entry into force of the Convention for the State party

192. According to the general population, housing, agricultural and animal husbandry census taken by the National Statistics and Demography Agency, international immigration has evolved as follows since the 2002 census:

- Senegalese, 111,700 persons, or 45.6 per cent
- West African, 114,517 or 46.8 per cent
- Central African, 6,486 or 2.6 per cent
- North African, 1,089 or 0.4 per cent
- Other African, 473 or 0.2 per cent
- American, 1,763 or 0.7 per cent
- Asian, 317 or 0.1 per cent
- European, 7,209 or 2.9 per cent
- Oriental, 568 or 0.2 per cent
- Other, 827 or 0.3 per cent

193. There is thus a total of 244,949 immigrants.

194. As for emigrants, the report shows that there are:

- 45,306 Senegalese emigrants in West Africa, or 27.5 per cent of the total
- 18,970 in Central Africa, or 11.5 per cent

- 9,559 in North Africa, or 5.8 per cent
- 1,807 in other African countries, or 1.1 per cent
- 3,727 in America, or 2.3 per cent
- 363 in Asia, or 0.2 per cent
- 73,320 in Europe, or 44.5 per cent
- 1,382 in the Orient, or 0.8 per cent
- 10,467 in other areas, or 6.4 per cent

195. There is thus a total of 164,901 emigrants.

(b) Migrant workers in detention in the State party and migrant workers who are nationals of the State party and are detained in their country of employment, and whether such detention is immigration-related

196. Even though, according to the available information, not all foreign nationals detained in Senegalese prisons have the status of migrant workers, the 2014 activities report of the Prison Administration Board shows that 3,156 — or 8.75 per cent — of the 36,028 persons incarcerated in the 37 Senegalese prisons are foreign nationals.

197. On 24 November 2015, the Minister for Foreign Affairs informed the Agence de Presse Sénégalaise (Senegalese News Agency) that the number of Senegalese detained abroad was 609. However, further details on the reasons for their imprisonment, to determine whether it was emigration-related, were not provided.

(c) Migrant workers and members of their families who have been expelled or deported by the State party

198. Information not yet available.

(d) The number of unaccompanied migrant children or migrant children separated from their parents in the State party

199. Information not yet available.

(e) Remittances from migrant workers who are nationals of the State party and work abroad

200. According to the latest report on the remittances of Senegalese migrants, 936 billion CFA francs were sent to Senegal in 2011 and 974 billion in 2013.

(f) Reported cases of trafficking and smuggling of migrants, investigations, prosecutions and sentences imposed on perpetrators (disaggregated by sex, age, nationality and purpose of trafficking or smuggling)

201. Data not yet available.

(g) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals of the State party working abroad or in transit through third States

202. The Ministry of Foreign Affairs and Senegalese Abroad has a Department of Legal and Consular Affairs. This Department provides legal assistance to migrant workers and members of their families, as well as to Senegalese nationals working abroad or in transit through third States. It works in close cooperation with the embassies and consulates of

Senegal abroad. The Directorate-General of Senegalese Abroad, for its part, can provide legal assistance in the areas of housing, investment and the rights of the diaspora.

2. **Please provide additional information on any important developments and on measures to implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families that the State party considers a priority, including any steps envisaged to make the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and/or the declaration under article 77 of the Convention recognizing the competence of the Committee to receive and consider individual communications.**

203. Consideration is currently being given to making the declaration under article 76 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and the declaration under article 77 recognizing the competence of the Committee to receive and consider individual communications.

3. **Please also submit an updated core document in accordance with the harmonized guidelines on reporting under the international human rights treaties, which include guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3).**